

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cv-11015

Thomas S. McCloskey, et al

v.

Robert S. Mueller, III, et al

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 10/25/05.

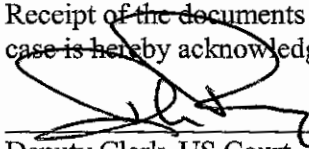
In testimony whereof, I hereunto set my hand and affix the seal of this Court on November 3, 2005.

Sarah A Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 11/4/05.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-11015-RCL**

McCloskey et al v. Mueller III et al
Assigned to: Judge Reginald C. Lindsay
Cause: 28:2674 Federal Tort Claims Act

Date Filed: 05/20/2004
Jury Demand: Plaintiff
Nature of Suit: 360 P.I.: Other
Jurisdiction: U.S. Government
Defendant

Plaintiff

Thomas S McCloskey
*Co-Administrators of the Estate of
Philip McCloskey*

represented by **Kevin J. Reddington**
Law Offices of Kevin J. Reddington
1342 Belmont Street
Suite 203
Brockton, MA 02301
508-583-4280
Fax: 508-588-2174
Email: kevinreddington@msn.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Kevin P. McCloskey
*Co-Administrators of the Estate of
Philip McCloskey*

represented by **Kevin J. Reddington**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Robert S Mueller III
*As He is Director of the Federal Bureau
of Investigation*

represented by **Carol L. Shea**
Office of the US Attorney
PO Box 570
Burlington, VT 05402-0570
802-951-6725
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

The Federal Bureau of Investigation

represented by **Carol L. Shea**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

William H. Anderson*As an employee of The Federal Bureau
of Investigation*represented by **Carol L. Shea**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Defendant****The United States of America,**represented by **Carol L. Shea**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Defendant****Gary Lee Sampson**

Date Filed	#	Docket Text
05/20/2004	<u>1</u>	COMPLAINT Filing fee: \$ 150, receipt number 56068, filed by Kevin P. McCloskey, Thomas S McCloskey.(Stanhope, Don) (Entered: 05/21/2004)
05/20/2004	<u>2</u>	DEMAND for Trial by Jury by Kevin P. McCloskey, Thomas S McCloskey. (Attachments: # <u>1</u> Exhibit 1-7 NOT SCANNED)(Stanhope, Don) (Entered: 05/21/2004)
05/20/2004		Summons Issued as to William H. Anderson, Robert S Mueller III, Gary W. Sampson, The Federal Bureau of Investigation, The United States of America,. (Stanhope, Don) (Entered: 05/21/2004)
05/21/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Alexander. (Stanhope, Don) (Entered: 05/21/2004)
05/25/2004	<u>3</u>	Plaintiff's MOTION to Amend Complaint Prior to Responsive Pleading by Kevin P. McCloskey.(Stanhope, Don) (Entered: 05/26/2004)
05/25/2004	<u>4</u>	Amended COMPLAINT and Claim for Trial by Jury , filed by Kevin P. McCloskey, Thomas S McCloskey.(Stanhope, Don) (Entered: 05/26/2004)
05/26/2004		Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>3</u> Motion to Amend Complaint (Stanhope, Don) (Entered: 05/26/2004)
06/03/2004	<u>5</u>	SUMMONS Returned Executed William H. Anderson served on 5/26/2004, answer due 6/15/2004. (Stanhope, Don) (Entered: 06/07/2004)
06/03/2004	<u>6</u>	SUMMONS Returned Executed The Federal Bureau of Investigation served on 5/27/2004, answer due 6/16/2004. (Stanhope, Don) (Entered: 06/07/2004)
06/07/2004	<u>7</u>	ANSWER to Complaint by Gary Lee Sampson.(Stanhope, Don) (Entered: 06/08/2004)

06/22/2004	<u>8</u>	Defendant Gary Lee Sampson's ANSWER to Amended Complaint by Gary Lee Sampson.(Stanhope, Don) (Entered: 06/23/2004)
06/28/2004	<u>9</u>	SUMMONS Returned Executed Gary Lee Sampson served on 6/15/2004, answer due 7/5/2004. (Stanhope, Don) (Entered: 06/29/2004)
07/09/2004	<u>10</u>	SUMMONS Returned Executed by Kevin P. McCloskey, Thomas S McCloskey. Robert S Mueller III served on 7/6/2004, answer due 9/6/2004; The Federal Bureau of Investigation served on 7/6/2004, answer due 9/6/2004. (Reddington, Kevin) (Entered: 07/09/2004)
07/09/2004	<u>11</u>	SUMMONS Returned Executed by Kevin P. McCloskey, Thomas S McCloskey. The United States of America, served on 6/29/2004, answer due 8/30/2004. (Reddington, Kevin) (Entered: 07/09/2004)
07/19/2004	<u>14</u>	Unopposed Pro Se MOTION for Extension of Time to September 24, 2004 to Respond to the Complaint by William H. Anderson.(Abaid, Kim) (Entered: 07/20/2004)
07/20/2004	<u>12</u>	NOTICE of Appearance by Carol L. Shea on behalf of William H. Anderson, Robert S Mueller III, The Federal Bureau of Investigation, The United States of America, (Abaid, Kim) (Entered: 07/20/2004)
07/20/2004	<u>13</u>	Unopposed MOTION for Extension of Time to September 24, 2004 to File Answer re <u>1</u> Complaint, <u>4</u> Complaint by William H. Anderson, Robert S Mueller III, The Federal Bureau of Investigation, The United States of America,.(Abaid, Kim) (Entered: 07/20/2004)
07/28/2004	<u>13</u>	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>13</u> Motion for Extension of Time to Answer re <u>4</u> Complaint William H. Anderson, Robert S Mueller III, The Federal Bureau of Investigation, The United States of America, to 9/24/04., finding as moot <u>14</u> Motion for Extension of Time to respond to the complaint filed by William Anderson pro se (Hourihan, Lisa) (Entered: 07/28/2004)
07/30/2004	<u>15</u>	MOTION to Appoint Counsel by Gary Lee Sampson.(Abaid, Kim) (Entered: 07/30/2004)
08/19/2004	<u>15</u>	Judge Reginald C. Lindsay : Electronic ORDER entered denying <u>15</u> Motion for Appointment of Counsel (Stanhope, Don) (Entered: 08/20/2004)
09/24/2004	<u>16</u>	Joint MOTION of Plaintiffs, William Anderson, Pro Se, & The Federal Defendants for Dismissal of William Anderson as a Defendant in his Individual Capacity. by William H. Anderson, Kevin P. McCloskey, Thomas S McCloskey, Robert S Mueller III, The Federal Bureau of Investigation, The United States of America,.(Stanhope, Don) (Entered: 09/28/2004)
09/24/2004	<u>17</u>	The Federal Defendants' MOTION to Dismiss by William H. Anderson, Robert S Mueller III, Gary Lee Sampson, The Federal Bureau of Investigation, The United States of America,.(Stanhope, Don) (Entered: 09/28/2004)

10/12/2004	<u>19</u>	MOTION to Dismiss All Claims Against Gary Lee Sampson and Incorporated Motion for Appointment of Counsel to Represent Sampson in these Proceedings. by Gary Lee Sampson.(Stanhope, Don) (Entered: 10/14/2004)
10/14/2004	<u>18</u>	First MOTION for Extension of Time to November 14, 2004 to File Response/Reply to <i>File Opposition to Defendants' Motion to Dismiss</i> by Kevin P. McCloskey, Thomas S McCloskey.(Reddington, Kevin) (Entered: 10/14/2004)
10/20/2004	<u>18</u>	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>18</u> Motion for Extension of Time to File Response/Reply re <u>17</u> MOTION to Dismiss Responses due by 11/14/2004 (Hourihan, Lisa) (Entered: 10/20/2004)
10/30/2004	<u>16</u>	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>16</u> Joint MOTION of Plaintiffs, William Anderson, Pro Se, & The Federal Defendants for Dismissal of William Anderson as a Defendant in his Individual Capacity. (Lindsay, Reginald) (Entered: 10/30/2004)
11/09/2004	<u>20</u>	First Opposition re <u>17</u> MOTION to Dismiss filed by Kevin P. McCloskey, Thomas S McCloskey. (Reddington, Kevin) (Entered: 11/09/2004)
11/23/2004	<u>22</u>	Federal Defendant's MOTION for Leave to File Reply to Plaintiff's Opposition to Motion to Dismiss. by William H. Anderson, Robert S Mueller III, The Federal Bureau of Investigation, The United States of America,. (Attachments: # <u>1</u> Proposed Reply Memo)(Stanhope, Don) (Entered: 11/30/2004)
11/24/2004	<u>21</u>	Letter from Gary Lee Sampson Regarding Responses to Filings and Pleadings. (Stanhope, Don) (Entered: 11/30/2004)
11/29/2004	<u>23</u>	Letter from Gary Lee Sampson. (Stanhope, Don) (Entered: 12/07/2004)
12/08/2004	<u>23</u>	Sent copy of docket sheet and requested face page of date stamped filings as requested by Gary Sampson in the letter dated 11/17/04 (Hourihan, Lisa) (Entered: 12/08/2004)
12/14/2004	<u>22</u>	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>22</u> Motion for Leave to File Reply to Plaintiff's Response and Opposition to Motion to Dismiss. (Stanhope, Don) (Entered: 12/15/2004)
12/14/2004	<u>24</u>	The Federal Defendant's REPLY Memorandum filed by The Federal Bureau of Investigation, The United States of America,. (Stanhope, Don) (Entered: 12/15/2004)
01/28/2005	<u>25</u>	Letter from David V. Kirby regarding schedule. (Stanhope, Don) (Entered: 01/31/2005)
09/02/2005	<u>26</u>	Judge Reginald C. Lindsay : ORDER entered granting <u>17</u> Motion to Dismiss of Federal defendants; finding as moot <u>19</u> the Motion of Gary Lee Sampson to Dismiss and for Appointment of Counsel, because the court declines jurisdiction of the claims against Sampson. The reasons for

		these rulings are set forth in the accompanying memorandum and order. The clerk shall enter judgment for the defendants, dismissing this action, and shall terminate this case on the court's docket. (Lindsay, Reginald) (Entered: 09/02/2005)
09/06/2005	27	Judge Reginald C. Lindsay : ORDER entered. JUDGMENT in favor of defendants against plaintiffs(Hourihan, Lisa) (Entered: 09/06/2005)
10/14/2005	28	NOTICE OF APPEAL by Thomas S McCloskey, Kevin P. McCloskey. \$ 255 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerk/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 11/3/2005. (Reddington, Kevin) (Entered: 10/14/2005)
10/19/2005		Filing fee: \$ 255, receipt number 67543 regarding Notice of Appeal (York, Steve) (Entered: 10/21/2005)